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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,358

09/14/2006

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07/07/2011

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EXAMINER

ROWLAND, STEVE

ART UNIT

PAPER NUMBER

3718

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,358	OHASHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	STEVE ROWLAND	3718	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Continued Examination under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/15/2011 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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**5. Claims 1-3 and 5 are rejected 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US 2005/0043089 A1) (hereinafter “Nguyen”) in view of Blatter et al (US 2005/0192089 A1) (hereinafter “Blatter”).**

Regarding claim 1, Nguyen teaches a card game system (Abstract), comprising a plurality of game apparatuses, each of which functions as either a master apparatus configured to control a game (¶ [0064]) or a terminal apparatus configured to perform a process accordance with indications from the master apparatus (¶ [0067] lines 7-12), the plurality of game apparatus being connected to each other so as to transmit and receive data to and from each other (Fig. 1), wherein when one of the plurality of game apparatuses is set as the master apparatus, the game apparatuses other than the game apparatus set as the master apparatus are set to the terminal apparatuses (¶ [0064]: *the tournament server may be implemented by one of the gaming units*), the game apparatus set as the master apparatus has a master reception device configured to receive the game information transmitted from each of the plurality of game apparatus (¶ [0093]), a start determination device configured to determine whether to start a specific time during the game ongoing (¶ [0087]: *starting time after commencement of tournament*), a permission device configured to make the master reception device reject to receive the game information at the master reception device until the start determination device determines to start the specific time during the game ongoing (270), and configured to transmit timing information to the plurality of game apparatuses including the game apparatus set as the master apparatus (¶ [0089]) and permit the master reception device to receive the game information when the start determination device determines to start a specific time during the game ongoing (¶ [0093]: *updates*), an elapse time determination device configured to determine whether a time set as the specific time in advance elapses after the permission device permits the reception of the game information (¶ [0085] lines 6-13), a rejection device configured to make the master reception device reject the reception again when the elapse time determination device

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determines that the set time elapses (¶ [0109]: *tournament server may disable gaming unit at end of predetermined time period*), and a device configured to execute game progress processes based on the game information received during the specific time from the game apparatuses including the game apparatus set as the master apparatus (¶ [0093]), and each of the plurality of game apparatuses has a device configured to, when receiving the timing information, make a player use a card to obtain the game information from the card (¶ [0010]), and a terminal transmission device configured to transmit the game information having been read to the master reception device (24). Nguyen does not specifically disclose wherein each of the plurality of game apparatuses, when receiving time information during the game ongoing, is allowed to read and transmit game information recorded in a card to the game apparatus set as the master apparatus, the game progresses using the read game information. However, Blatter suggests wherein each of the plurality of game apparatuses, when receiving time information during the game ongoing, is allowed to read and transmit game information recorded in a card to the game apparatus set as the master apparatus, the game progresses using the read game information (¶ [0045]: *control codes are read from the card during special mode*). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nguyen and Blatter in order to allow for custom functionality of the game terminal during tournament play.

Regarding claim 2, Nguyen teaches wherein the rejection device rejects the reception of the game information further transmitted from the game apparatus that is a sender of the game information already received by the master reception device even before the elapse time determination device determines that the set time elapses (¶ [0109] lines 9-12).

Regarding claim 3, Nguyen teaches wherein the number of the plurality of game apparatuses is two (¶ [0023]: *one or more gaming units*).

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Regarding claim 5, Nguyen teaches a master apparatus as a predetermined reception destination in a card game system comprising a plurality of apparatuses including the master apparatus (¶ [0064]), a master reception device configured to receive the game information transmitted from each of the plurality of game apparatus (¶ [0093]), a start determination device configured to determine whether to start a specific time during the game ongoing (¶ [0087]: *starting time after commencement of tournament*), a permission device configured to make the master reception device reject reception of the game information at the master reception device until the start determination device determines to start a specific time (270), and configured to transmit the timing information to the plurality of game apparatuses including the master apparatus (¶ [0089]) and permit the master reception device to receive the game information from a card used by a when the start determination device determines to start the specific time during the game ongoing (¶ [0093]), a device configured to execute game progress processes based on the game information received during the specific time during the game ongoing from the game apparatuses including the master apparatus (¶ [0093]) and a rejection device configured to make the master reception device reject the reception again when the elapse time determination device determines that the set time elapses (¶ [0109]: *tournament server may disable gaming unit at end of predetermined time period*).

**6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Blatter and Yap et al (US 2002/0020745 A1) (hereinafter “Yap”).**

Regarding claim 4, it is noted that neither Nguyen nor Blatter teaches a card which has three or more sides and has the game information printed on a same face along the respective sides. However, Yap teaches a card which has three or more sides and has the game information printed on a same face along the respective sides (Figs. 2-5). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nguyen, Blatter, and Yap in order to allow for the interior of the card to be large

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enough to house a hard drive, thus increasing the volume and complexity of the information that could be stored.

### ***Response to Arguments***

**7. Applicant's arguments filed on 04/15/2011 have been fully considered but they are not persuasive.**

Applicant argues that Nguyen fails to disclose a permission device and rejection device configured to reject game information before and after a set time during the game ongoing. Examiner respectfully disagrees.

In ¶ [0087], Nguyen teaches a card that can enable play to begin after a tournament has started ("*the data ... may include, for example, a time after the tournament has already started at which to begin playing*"). Similarly, in ¶ [0109], Nguyen teaches that may disable play at the end of a purchased time segment, *i.e.* before the tournament has ended ("*if the purchased time slot(s) represent a contiguous segment of time, the tournament server may disable the gaming unit 20 at the end of that time segment*"). Therefore, Examiner respectfully submits that these limitations are taught in Nguyen.

Applicants remaining arguments are rendered moot by the new grounds of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Rowland whose telephone number is (571) 270-7844. The examiner can normally be reached on Monday through Thursday, alternate Fridays, 8:30 am to 6:00 pm, Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Peter Vo can be reached at (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./  
Examiner, Art Unit 3718

/Dmitry Suhol/  
Supervisory Patent Examiner, Art  
Unit 3716